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Paper No. 9

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In re Application of: Pearson
Application No.: 09/960,118
Filed: September 21, 2001
Attorney Docket No.: BEA9-2001-0027-US1
For: REPLACEMENT SELECTION WITH
DUPLICATE KEY HANDLING

MAILED

SEP 10 2004

Technology Center 2100

)
) DECISION GRANTING PETITION
) TO ACCEPT CORRESPONDENCE AS
) TIMELY FILED UNDER 37 CFR §1.8
)
)

This decision is in response to the petition to withdraw abandonment filed September 2, 2004. The communication is being treated as a petition to withdraw the holding of abandonment and to accept papers as timely filed under 37 CFR §1.8. The Notice of Abandonment was mailed August 11, 2004.

In support of the petition, petitioners have provided a statement along with a copy of the amendment filed January 2, 2004 and a copy of the USPTO Auto-Reply.

The USPTO Auto-Reply serves as *prima facie* evidence of receipt in the USPTO. The evidence provided establishes that a timely response was, in fact, received on January 2, 2004. The Office failed to match the response to the application file.

The petition is **GRANTED**. The application was not abandoned in fact. The Office regrets any inconvenience caused by this error.

The application will be forwarded to the Technical Support Staff for processing of the response to the Office action of October 2, 2003. Thereafter, the application will be forwarded to the examiner for consideration of applicant's amendment.

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